

Harfenist Kraut & Perlstein, LLP
Steven J. Harfenist, Esq. (Atty Id. No. 045671989)
3000 Marcus Avenue, Suite 2E1
Lake Success, New York 11042
T: (516) 355-9600
F: (516) 355-9601
E: sharfenist@hkplaw.com
Attorney for Plaintiffs

Stephen D. Stamboulieh*
Stamboulieh Law, PLLC
P.O. Box 428
Olive Branch, MS 38654
(601) 852-3440
stephen@sdsllaw.us
MS Bar No. 102784
*Admitted Pro Hac Vice

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

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CHRISTIAN BENTON, COALITION OF NEW JERSEY
FIREARM OWNERS, GUN OWNERS OF AMERICA, INC.,
and GUN OWNERS FOUNDATION,

Plaintiffs,

-against-

MATTHEW PLATKIN, in his official capacity as
the Attorney General of New Jersey, and
CHIEF PHIL OLIVO, in his official capacity as
the Police Chief of Pennsauken Township,

Defendants.

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Civil Action No.:
24-CV-07098(CPO)(MJS)

Motion Date: December 2, 2024

**PLAINTIFFS' RESPONSE TO DEFENDANT MATTHEW PLATKIN'S
MOTION TO CONSOLIDATE**

I. Response to Defendant Matthew J. Platkin’s Motion to Consolidate

This case, *Benton, et al., v. Platkin, et al.*, Civil Action No. 1:24-cv-7098, involves a challenge to New Jersey’s Permit to Purchase a Handgun (“PPH”) scheme and the state’s so-called “one gun a month” (“OGAM”) law. Plaintiffs in this matter initially filed their Complaint for Declaratory and Injunctive Relief on June 18, 2024. *See* ECF #1.

More than three months later on September 26, 2024, the plaintiffs in *Struck, et al. v. Platkin, et al.*, Civil Action No. 3:24-cv-09479, filed a copycat case. The *Struck* complaint also challenges New Jersey’s OGAM law, raising the same single claim, making substantially similar arguments, and seeking comparable relief to Plaintiffs’ Complaint here. *See* 3:24-cv-09479, ECF #1; *see also* 1:24-cv-07098, ECF #29-2 at 3-4.¹

On November 4, 2024, Matthew J. Platkin (a defendant in both cases) filed a Motion to Consolidate, requesting that *Struck* be consolidated with this case because they “share common questions of both law and fact.” ECF #29-2 at 5. Benton’s proposed order further requests that this case, 1:24-cv-07098, serve as the lead case. ECF #29-3 at 2.

¹ Although initially not listing any related cases, on September 30, 2024, the *Struck* plaintiffs filed an amended civil cover sheet, listing *Benton* as a “related case.” *Id.* at ECF #5.

Plaintiffs concede that this case and the *Struck* case “share common questions of both law and fact,” at least as pertains to the common “one gun a month” count. Therefore, Plaintiffs **do not object to consolidation** of the cases, with this case serving as the lead case, so long as Plaintiffs’ ability to file their own full-length briefing, and present their own independent oral argument to the court (should oral argument be scheduled), is preserved.

Dated: Lake Success, New York
November 14, 2024

Respectfully submitted,
HARFENIST KRAUT & PERLSTEIN, LLP

By: *Steven J. Harfenist*

Steven J. Harfenist
Attorneys for Plaintiffs
3000 Marcus Avenue, Suite 2E1
Lake Success, New York 11042
T: (516) 355-9600
F: (516) 355-9601
E: SHarfenist@hkplaw.com

Stephen D. Stamboulieh*
Stamboulieh Law, PLLC
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